

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

PETITIONER,

VS.

CASE NO. 93-19032

JOSE A. SANCHEZ, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Business and Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Jose A. Sanchez, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.165, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0012143. Respondent's last known address is 80 Coral Way, Miami, Florida 33145.

3. Respondent's license to practice medicine became inactive on or about December 31, 1987, due to Respondent's failure to file for renewal.

4. Respondent did not renew his license until on or about September 16, 1993.

5. During the period between on or about December 31, 1987 and on or about September 16, 1993, Respondent practiced medicine without an active license.

6. Section 458.327(1)(a), Florida Statutes, prohibits the practice of medicine or an attempt to practice medicine without an active license.

Count One

7. Petitioner realleges and incorporates paragraphs one (1) through six (6) as if fully set forth herein this Count One.

8. Respondent is guilty of violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department, in that Respondent practiced medicine without an active license, contrary to Section 458.327(1)(a), Florida Statutes.

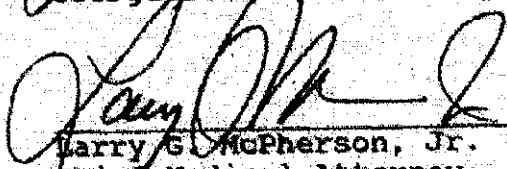
9. Based on the foregoing, Respondent violated Section 458.331(1)(x), Florida Statutes, and is guilty of violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the

Respondent on probation, and/or any other relief that the Board
deems appropriate.

SIGNED this 24 day of January, 1994.


George Stuart Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788543
RPC/mry
PCP: January 21, 1994
Murray and Varn

FILED

Department of Business and Professional Regulation
DEPUTY CLERK

CLERK 

DATE 1-24-94

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
BOARD OF MEDICINE,

Petitioner,

v.

DBPR CASE NO. 93-19032

JOSE A. SANCHEZ, M.D.,

Respondent.

CONSENT AGREEMENT

JOSE A. SANCHEZ, M.D., referred to as the "Respondent," and the DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, referred to as "Department," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number NE 0012143.
2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent read Chapters 455, 458 and 893 and the Rules of the Board of Medicine, at Section 61P6, Florida Administrative Code.

2. FINE. The Board shall impose an administrative fine in the amount of \$3,450.00 (representing a fine of \$50.00 for each month the license was inactive) against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine within one (1) year of its imposition by Final Order of the Board.

3. REPRIMAND. The Respondent shall receive a reprimand from the Board of Medicine.

4. It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard,

the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

5. Respondent shall appear before the Board at the meeting of the Board where this Agreement is considered. Respondent, in conjunction with the consideration of this Agreement by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff. The Respondent shall be prepared to explain the circumstances involved in this matter and what measures have been taken to prevent a reoccurrence.

6. Should this Agreement be rejected, no statement made in furtherance of this Agreement by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment purposes.

7. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A herein.

8. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

9. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

10. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

SIGNED this 2 day of May, 1994.



JOSE A. SANCHEZ, M.D.

BEFORE ME, personally appeared JOSE A. SANCHEZ, M.D., whose identity is known to me by personal knowledge (type of identification) and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 2 day of May, 1994.



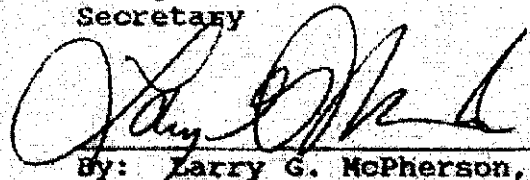
NOTARY PUBLIC
My Commission Expires:

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OFFICIAL NOTARY SEAL WILLIAM MCB WOOD NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. CC249010 MY COMMISSION EXP. JAN. 11, 1997

APPROVED this 5 day of May, 1994.

George Stuart
Secretary



By: Larry G. McPherson, Jr.
Chief Attorney
Medical Section

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF MEDICINE

FILED

AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon J. Moore

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION,

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DBPR CASE NUMBER: 93-19032
LICENSE NUMBER: ME 0012143

JOSE A. SANCHEZ, M.D.,

Respondent.

FINAL ORDER

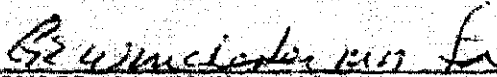
THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on June 4, 1994, in Palm Beach, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises, the Board rejected the Consent Agreement proposed and offered an amendment at the hearing, which amendment was accepted without objection by the parties.

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference herein with the amendment that the reprimand set forth in Paragraph 3 of the Stipulated Disposition shall be deleted and Respondent shall receive a Letter of Concern from the Board. Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Consent Agreement, as amended.

This Final Order takes effect upon filing with the Clerk of the Department.

DONE AND ORDERED this 23rd day June, 1994.

BOARD OF MEDICINE


EDWARD A. DAUER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by certified U.S. Mail to Jose ... Sanchez, M.D., 1980 Coral Way, Miami, Florida 33145, William McBrayer Wood, Esquire, Suite 1616, One Biscayne Tower, Miami, Florida 33131, and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this _____ day of _____, 1994.

MARM M. HARRIS, Ed.D.
Executive Director